

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

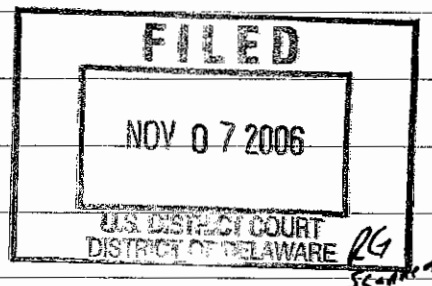
JIMMIE LEWIS,

v.

CA. NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, ETAL.

PLAINTIFF'S RESPONSE TO DEFENDANT
DR. SYLVIA FOSTER'S MOTION FOR PROTECTIVE
ORDER



DATE: 11/4/2006

Jimmie Lewis
SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

- 1.) THE PLAINTIFF'S MOTION TO DEPOSE THE D.P.C STAFF MEMBERS AS WITNESSES TO THEIR INDIVIDUAL ACCOUNTS OF WHAT THEY PERSONALLY RECALLED REGARDING THE CLAIMS AS STATED IN THE PLAINTIFF'S SECOND AMENDED COMPLAINT WAS DENIED IN ACCORDANCE TO THE DEFENDANTS MOTION TO DENY THE PLAINTIFF'S MOTION TO DEPOSE.
- 2.) AS NOTED IN THE DEFENDANTS MOTION TO DENY THE PLAINTIFF'S MOTION TO DEPOSE, FOR WHICH WAS TAKEN INTO CONSIDERATION BY THE COURT, STATED THAT IT WOULD BE BEST FOR THE PLAINTIFF TO OBTAIN (VERY MUCH OF THE SAME EVIDENCE AND OR INFORMATION), VIA DISCOVERY, INTERROGATORIES AND ADMISSIONS. DUE TO THE PLAINTIFF'S PRO-SE INFORMIA PAUPERIS STATUS THAT WOULD BE COST EFFECTIVE, AND ALSO DUE TO THE PLAINTIFF'S INMATE PRISONER STATUS THAT POSES SECURITY CONCERNS OF HIS BEING TRANSPORTED TO THE FEDERAL COURTHOUSE. THEREFORE, SUPPORTING WITH THE DEFENDANTS MOTION TO DENY THE PLAINTIFF MOTION TO DEPOSE, SHOULD BE DEEMED AS A VOLUNTARY WAIVER OF U.S DISTRICT COURT RULE 26.1(b).

3.) IF THIS HONORABLE COURT DOES NOT INTERPRET THAT THE DEFENDANTS MOTION TO DENY THE PLAINTIFFS MOTION TO DEPOSE AS A VOLUNTARY WAIVER OF U.S. DISTRICT COURT RULE 26.1(b), THEN THE PLAINTIFF ASSERTS THAT THE DEFENDANT HAS SUBMITTED INSUFFICIENT PLEADINGS, DUE TO ERRONEOUSLY IDENTIFYING EACH AND EVERY REQUEST STATED IN THE PLAINTIFFS MOTION FOR DISCOVERY # II, III AND IV AS INTERROGATORY REQUEST, WITHOUT SPECIFICALLY STATING WHY EACH "INDIVIDUAL" REQUEST ARE CONSIDERED AN INTERROGATORY REQUEST, FOR WHICH SUPPORTS THE PLAINTIFFS PLEADING THAT THE DEFENDANTS MOTION IS INSUFFICIENT IF THE COURT CAN IDENTIFY THAT ONE OR MORE OF THE PLAINTIFFS DISCOVERY REQUEST ARE ACTUALLY REQUEST FOR DISCOVERY AND OR ADMISSIONS.

4.) THE DEFENDANT HAS FAILED TO PRESENT PLEADINGS AS TO EXACTLY WHICH DISCOVERY REQUEST NOTED IN THE PLAINTIFFS MOTION FOR DISCOVERY DATE 8/7/06 WERE CONSIDERED INTERROGATORY REQUEST, NOR HAS THE DEFENDANT INDIVIDUALLY IDENTIFIED WHICH DISCOVERY REQUEST ~~was/were~~ THAT IS CONSIDERED AN INTERROGATORY REQUEST ALONG WITH W/TH SAID DISCOVERY REQUEST IS CONSIDERED AN INTERROGATORY REQUEST IN THE MOTION FOR PROTECTIVE ORDER DATED 10/26/06. —

(CONT # 4), THEREFORE, SAID FAILURE SHOULD BE DEEMED AS A VOLUNTARY WAIVER IN REGARDS TO THIS HONORABLE COURT RENDERING A RULING IN THIS MATTER, FOR WHICH IS SUPPORTED IN LAW AND FACT BY THE PLAINTIFF'S PLEADINGS STATED HEREIN, THAT CONSIDERATION OF INTERROGATORY REQUEST NOTED IN THE PLAINTIFF'S 8/7/06 MOTION FOR DISCOVERY NOW, WOULD UNDOUBTEDLY PREJUDICE THE PLAINTIFF.

5.) ALSO, THE DEFENDANT HAS FAILED TO PRESENT PLEADINGS AS TO WHICH OF THE PLAINTIFF'S DISCOVERY REQUEST NOTED IN THE PLAINTIFF'S MOTION FOR DISCOVERY #'S I, VI, VII OR VIII ~~AND~~ INDIVIDUALLY CONSIDERED TO BE INTERROGATORY REQUEST ALONG WITH WHY SAID DISCOVERY REQUEST IS CONSIDERED AN INTERROGATORY REQUEST, THEREFORE, SAID FAILURE SHOULD BE DEEMED AS AN VOLUNTARY WAIVER OF U.S DISTRICT COURT RULE 26.1(b).

6.) TO GRANT THE DEFENDANTS MOTION FOR PROTECTIVE ORDER WITHOUT THE DEFENDANT SPECIFICLY IDENTIFYING WHICH DISCOVERY REQUEST ARE CONSIDERED TO BE INTERROGATORY REQUEST, ALON WITH WHY SAID DISCOVERY REQUEST IS CONSIDERED AN INTERROGATORY REQUEST, WOULD VALIDATE THAT THE DISCOVERY PROCESS IN THIS MATTER IS A MERITLESS PROCEDURE. NOTE: THE PLAINTIFF REQUEST WHY SAID DISCOVERY REQUEST ARE CONSIDERED AN INTERROGATORY, IS IN ORDER TO GRANT THE PLAINTIFF

(CONT. # 6), THE OPPORTUNITY TO OBJECT.

7.) BECAUSE THE PLAINTIFF DOES NOT WISH TO BURDEN THIS HONORABLE COURT WITH MOTIONS THAT ARE DESIGNED TO HINDER THE FACT FINDING PROCESS IN THE SEARCH FOR THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH IN THIS CIVIL MATTER, THE PLAINTIFF HAS IDENTIFIED WHAT HE THINKS ARE DISCOVERY AND ADMISSIONS REQUEST AS NOTED IN THE PLAINTIFF'S MOTIONS FOR DISCOVERY # II, III, IV AND VI.

7(A), PLAINTIFF'S MOTION FOR DISCOVERY # II,
 NUMBERS, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 44, 22,
 45, 46, 47, 48, 49, 50, 55, 56, 57, 58, 59, 64, 68, 51, 31,
 67, 69, 70, 72, 78, 79, 83, 77, 89, 90, 118, 119, 120,
 124, 125, 126, 135, 137, 123, 166, 186, 147, 159, 100,
 101, 102, 103, 116, 127, 128, 129, 167, 173, 184, 185, 173, 177,
 176, 188, 189, 190, 180, 164, 165, 168, 172, 175, 157, 158,
 160, 161, 162, 163, 146, 148, 149, 150, 151, 152, 153, 154, 155,
 138, 139, 140, 141, 142, 143, 144, 88, 86, 85,

7(B) PLAINTIFF'S MOTION FOR DISCOVERY # III
 NUMBERS, 1, 2, 13, 14, 5, 6, 7, 8, 10, 11, 12, 15, 16, 18.

7.(C) PLAINTIFF'S MOTION FOR DISCOVERY # IV

NUMBERS, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21.

7.(D) PLAINTIFF'S MOTION FOR DISCOVERY # VI

NUMBERS, 1, 2, 7, 16, 17, 22, 23, 24, 25, 27, 32, 35, 36, 38, 21, 19, 20, 28, 29, 30, 31, 34, 37, 15, 5, 6, 8, 9, 10, 12, 13, 39.

8.) IT WOULD PROFOUNDLY PREJUDICE THE PLAINTIFF'S ABILITY TO BRING FORTH THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH IN THIS CIVIL MATTER, REGARDING THE PLAINTIFF'S PRELIMINARY INTUNCTION, THE U.S. CA VIOLATIONS AND THE CIVIL ASSAULT AND BATTERY CLAIMS CITED BY THE PLAINTIFF, IF THE DEFENDANTS MOTION FOR PROTECTIVE ORDER IS GRANTED AS STATED.

9.) IF THIS HONORABLE COURT DOES NOT INTERPRET THAT THE DEFENDANTS MOTION TO DENY THE PLAINTIFFS MOTION TO DEPOSE, AS A VOLUNTARY WAIVER OF U.S. DISTRICT COURT RULE 26.1(b), THEN THE PLAINTIFF HEREBY REQUEST FOR THIS HONORABLE COURT TO FORWARD AN ORDER RESERVING THE RIGHT TO AND FOR THE PLAINTIFF TO SUBMIT A MOTION FOR WHAT THE COURT DEEMS IS THE CORRECT ~~AM~~ AMOUNT OF INTERROGATORIES, IN ACCORDANCE TO SAID ORDER.

10) FOR THE FOREGOING REASONS AS STATED HEREIN,
THE PLAINTIFF HEREBY REQUEST THAT THIS HONORABLE
COURT DENY THE DEFENDANTS MOTION FOR PROTECTIVE
ORDER.

DATE: 11/4/2006

Jimmy Lewis
SBI # 506622
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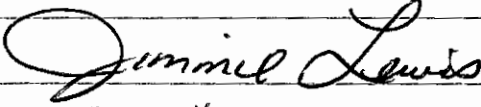
CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS
DOE HEREBY CERTIFY ON THIS 4TH DAY OF NOV,
2006, THAT I DID MAIL ONE TRUE AND CORRECT
COPY OF THE PLAINTIFF'S RESPONSE TO DEFENDANT
DR. SYLVIA FOSTER'S MOTION FOR PROTECTIVE ORDER
BY U.S. POSTAGE TO THE FOLLOWING:

CLERK OF THE COURT (GMS)
UNITED STATES DISTRICT COURT
J. CALEB BOGGS FEDERAL BUILDING
844 N. KING ST, LOCKBOX 18
WILMINGTON, DELAWARE 19801

CYNTHIA G. BEAM ESQ
1601 JEFFERSON PLAZA, SUITE 202
WILMINGTON, DELAWARE 19801

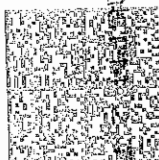
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UNITED STATES DISTRICT COURT
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WILMINGTON, DELAWARE
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